

REMARKS/ARGUMENTS

Claims 1-31, 33-34 and 36-38 now stand in the present application, claims 1, 14, 16 and 30 having been amended and new claims 36-38 having been added.

Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

Applicant has provided detailed reasoning as to why the Examiner's citation of prior art against the present claims should be withdrawn in the previously filed Amendment of November 6, 2008, entry has been requested in a concurrently filed Request for Continued Examination, so those arguments will not be repeated here. However, Applicant has further amended independent claims 1 and 16 as well as dependent claims 14 and 30 in order to more clearly patentably define over the cited references as will be explained in greater detail below.

More particularly, dependent claim 14 more clearly recites that light introduced into a glass wall at a distance to the code marking is scattered and detected in order to read the markings. The Examiner has cited Applicant's admitted prior art, Brodsky et al., Burgess, Campbell, Jr. et al. and JP 02001062579A against dependent claim 14. However, none of these references, individually or in combination, teach or suggest the above-described limitation of dependent claim 14. In particular, the Japanese reference discloses a CCD-camera that detects light transmitted from the through holes of a work piece. Nowhere, does the cited reference teach or suggest detecting scattered light from the code marking engraved onto a glass receptacle. Accordingly, absent the hindsight provided by the present application it is respectfully submitted that those

LEYVRAS, Philippe
Appl. No. 10/518,368
January 8, 2009

skilled in the art would not have been led to combine the Japanese reference with any other references in order to arrive at Applicant's invention. Accordingly, independent claims 1 and 16 and dependent claim 30 are all believed to more clearly patentably define over the cited references taken singly or in any combination.

Applicant has also presented new dependent claims 36-38 which are supported in the present specification at, *inter alia*, page 7, lines 9-32. None of the cited art taken either singly or in any combination is believed to require engraving marking into the glass or into the glass service by producing recesses of at most 20 μm in the glass. Accordingly, these newly added dependent claims are also believed to patentably define over the cited art.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-31, 33-34 and 36-38, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

LEYVRAS, Philippe
Appl. No. 10/518,368
January 8, 2009

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Chris Comuntzis
Reg. No. 31,097

CC:Imr
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100